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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Frederic HOFFMANN et al.

Examiner: Thuan D. Dang

Serial No.: 10/084,493

Group Art Unit: 1764

Filed: February 28, 2002

Title: THIN MULTI-STAGE CATALYTIC REACTOR WITH INTERNAL HEAT EXCHANGER, AND USE THEREOF

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement of August 7, 2003, Applicants hereby elect the invention of group I, presently drawn to claims 1-14, an apparatus, classified in class 422, subclass 129+. Applicants also respectfully traverse the Restriction Requirement on the following grounds:

It is set forth in the Office Action that the apparatus as claimed can be used to practice another materially different process, such as desulfurization of oil. The Examiner, however, has not supplied any underlying enablement for the conclusionary statement. In the absence thereof, the restriction requirement is flawed and ought be withdrawn.

It is further to be noted that the inventions of group II (claim 15) and group III (claim 16) require the details of the reactor of claim 1 and as such, these claims cannot be conducted by another materially different apparatus or by hand.


With respect to the restriction between claims 15, 16 and 17-25, these claims are all searched in class 585 since a search of claims 17-25 would apparently include subclasses 319 and 639 as well as all other pertinent subclasses, including isomerization. Accordingly, since a search and examination of the inventions of these 3 classes especially between II and III can be made without any serious burden on the part of the Examiner, the MPEP § 803 mandates that Examiners examine such inventions on the merits. Thus, Applicants respectfully request the Examiner to reconsider and withdraw the restriction requirement in whole or in part.

In any case, if this restriction requirement is made final, Applicants reserve the right to file one or more divisional applications directed to the non-elected groups under the provisions of 35 U.S.C. § 120 and 121.

In view of this response to the restriction requirement, an early action on the merits of the application is courteously requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,


I. William Millen, Reg. No. 19,544
Attorney/Agent for Applicant(s)

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

Attorney Docket No.: PET-1994

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